



**BOARD OF ADJUSTMENT AGENDA  
REGULAR MEETING  
MONDAY, APRIL 25, 2016**

**MEETING: 4:30 P.M. - CITY COUNCIL CHAMBERS**

1. Call to Order.
2. Roll Call.
3. Dispense with the reading and approve the minutes of the January 25, 2016, Regular Meeting as prepared.
4. Dispense with the reading and approve the minutes of the March 22, 2016, Regular Meeting as prepared.
5. Consider a request of St. Timothy Lutheran Church, the owner of approximately 1.7 acres located at 538 W 16<sup>th</sup> St., for approval of a Variance to Table 10-3, Fremont Zoning Ordinance, pertaining to Maximum Permitted Area for signs, particularly as it relates to a civic use in a residential zoning district.
6. Adjournment.

**THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE, THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT [WWW.FREMONTNE.GOV](http://WWW.FREMONTNE.GOV) IN ACCORDANCE WITH THE NEBRASKA OPEN MEETINGS ACT, A COPY OF WHICH IS POSTED CONTINUALLY IN THE COUNCIL CHAMBERS FOR PUBLIC INSPECTION, AND SAID MEETING IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS ALSO KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC IN THE PRINCIPLE OFFICE OF THE DEPARTMENT OF PLANNING, 400 EAST MILITARY AVENUE. THE BOARD OF ADJUSTMENT RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.**

**BOARD OF ADJUSTMENT MINUTES  
REGULAR MEETING  
JANUARY 25, 2016 – 4:30 PM**

**PRESENT:** Chairman Phil Bang, Members: Scott Brown, Brad Fooker, and Skip Sawyer, City Attorney Paul Payne, and Planning Director Troy Anderson

**ABSENT:** Member Curt Friedrich

1. Call to Order. Chairman Bang called the meeting to order at 4:30 p.m.
2. Roll Call. A roll call showed three (3) standing members present, one (1) alternate member present, and one (1) standing member absent – a quorum was established.

Chairman Bang then read the following statement: This meeting was preceded by publicized notice in the Fremont Tribune, the agenda displayed in the lobby of the Municipal Building and posted online at [www.fremontne.gov](http://www.fremontne.gov) in accordance with the Nebraska open meetings act, a copy of which is posted continually in the council chambers for public inspection and said meeting is open to the public. A copy of the agenda was also kept continually current and available to the public in the principle office of the Department of Planning, 400 East Military Avenue. The Board of Adjustment reserves the right to adjust the order of items on this agenda. This meeting is hereby declared to be duly convened and in open session.

Chairman Bang then reminded the Board that annual elections of a Chair and Vice-Chair must be held. He then entertained a motion for the appointment of a Chair.

**Motion:** It was moved by Member Sawyer, and seconded by Member Brown, to appoint Member Fooker as Chair. A roll call vote showed all members present voting aye – the motion carried unanimously.

Member Bang then turned the meeting over to newly appointed Chairman Fooker.

Chairman Fooker then entertained a motion for the appointment of a Vice-Chair.

**Motion:** It was moved by Member Bang, and seconded by Member Sawyer, to appoint Member Brown as Vice-Chair. A roll call vote showed all members present voting aye – the motion carried unanimously.

3. Public comment period.

Chairman Fooker opened the floor to public comments.

Hearing none, Fooker closed the floor and proceeded onto the regular agenda.

4. Dispense with the reading and approve the minutes of the October 26, 2015, Regular Meeting as prepared.

Chairman Fookien read the item into the record. Hearing no discussion, Fookien entertained a motion.

**Motion:** It was moved by Member Bang, and seconded by Member Sawyer, to dispense with the reading of the minutes and approve the minutes as provided. A roll call vote showed all members present voting aye – the motion carried unanimously.

5. Dispense with the reading and approve the minutes of the November 30, 2015, Regular Meeting as prepared.

Chairman Fookien read the item into the record. Hearing no discussion, Fookien entertained a motion.

**Motion:** It was moved by Member Bang, and seconded by Member Brown, to dispense with the reading of the minutes and approve the minutes as provided. A roll call vote showed all members present voting aye – the motion carried unanimously.

6. Dispense with the reading and approve the minutes of the December 28, 2015, Regular Meeting as prepared.

Chairman Fookien read the item into the record. Hearing no discussion, Fookien entertained a motion.

**Motion:** It was moved by Member Sawyer, and seconded by Member Bang, to dispense with the reading of the minutes and approve the minutes as provided. A roll call vote showed all members present voting aye – the motion carried unanimously.

7. Consider a request of Rick Fidler, on behalf of Casey's Retail Company, Inc., the owner of approximately 0.7 acres located at 401 W 23<sup>rd</sup> St., for approval of a Variance to Section 405, Fremont Zoning Ordinance, pertaining to Site Development Regulations, particularly street side setbacks.

Chairman Fookien read the item into the record. Fookien then proceeded to open the floor to appellant arguments.

Hearing nothing from the appellant, Fookien closed the floor to appellant arguments and proceeded to open the floor to public hearing.

Hearing nothing from the public, Fookien closed the floor to public hearing and opened the floor to appellee arguments.

Planning Director Anderson recommended disapproval as the hardship claimed by the applicant was both self-inflicted and pecuniary. Hearing no further comments from City Staff, Fookien closed the floor to appellee arguments and opened the floor to Board discussion and action.

The Board discussed the various arguments. Hearing no further discussion, Fookien entertained a motion.

**Motion:** It was moved by Member Sawyer, and seconded by Member Brown, to disapprove the request. A roll call vote showed all members present voting aye – the motion carried unanimously.

8. Consider a request of Justin Cash, on behalf of Ashley Cash, the owner of approximately 3.9 acres located at 1242 S Ridge Rd., for approval of a Variance to Section 704.c., Fremont Zoning Ordinance, pertaining to Architectural Requirements for Accessory Buildings.

Chairman Fooker read the item into the record. Fooker then proceeded to open the floor to appellant arguments.

Justin Cash argued his case, suggesting that nobody will be able to see it and that the materials will be able to weather the elements better. Hearing no further comments from the appellant, Fooker closed the floor to appellant arguments and proceeded to open the floor to public hearing.

Ron Vlach, neighboring property owner, argued in support of the request suggesting that it will not be visible and urged the Board to approve the request. Hearing no further comments from the public, Fooker closed the floor to public hearing and opened the floor to appellee arguments.

Planning Director Anderson recommended disapproval as the hardship claimed by the applicant was both self-inflicted and pecuniary. Hearing no further comments from City Staff, Fooker closed the floor to appellee arguments and opened the floor to Board discussion and action.

The Board discussed the various arguments. Hearing no further discussion, Fooker entertained a motion.

**Motion:** It was moved by Member Sawyer, and seconded by Member Bang, to disapprove the request. A roll call vote showed three (3) members voting aye and one (1) member, Member Brown, voting nay – the motion failed.

Planning Director Anderson reminded the Chairman that the concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation, and that failure to disapprove the request does not constitute an approval of the same.

Chairman Fooker then entertained other motions. Hearing no other motions, the request died for lack of a motion.

9. Consider a request of Kenneth Heatherly, the owner of approximately 1.3 acres located at 302 S Woodland Ct., for approval of a Variance to Section 405, Fremont Zoning Ordinance, pertaining to Development Regulations and Table 4-2, *Permitted Uses by Zoning Districts*, in particular.

Chairman Fooker read the item into the record. Fooker then proceeded to open the floor to appellant arguments.

Stacey Heatherly, wife of the appellant, argued their case, elaborating on the condition of her mother and the need for elderly care while still providing independent living, she provided a letter of support from the Home Owners Association (HOA), and suggested that the City was in the process of introducing allowances for Accessory Dwelling Units (ADU) as part of their new Unified Development Code (UDC).

Kenneth Heatherly, appellant, further argued their case, stating that the use was consistent with regulations set forth in the new UDC and that the building was architecturally harmonious with the residence. Hearing no further comments from the appellant, Fooker closed the floor to appellant arguments and proceeded to open the floor to public hearing.

Carol Givens, neighboring property owner, spoke in support of the request. Hearing no further comments from the public, Fooker closed the floor to public hearing and opened the floor to appellee arguments.

Planning Director Anderson recommended disapproval based on the lack of Board authority, as set forth by Nebraska State Statute, to grant a variance to the use of land.

City Attorney Payne also advised the Board that the powers granted to [the Board] by the State does not include variances to the use of land. Hearing no further comments from City Staff, Fooker closed the floor to appellee arguments and opened the floor to Board discussion and action.

The Board discussed the various arguments. Hearing no further discussion, Fooker entertained a motion.

**Motion:** It was moved by Member Bang, and seconded by Member Brown, to approve the request. A roll call vote showed three (3) members voting aye and one (1) member, Chairman Fooker, voting nay – the motion failed.

#### 10. Adjournment

Hearing no further business, Chairman Fooker adjourned the meeting at approximately 6:13 p.m.

APPROVED:

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Brad Fooker, Chairman

ATTEST:

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Troy Anderson, Planning Director

**BOARD OF ADJUSTMENT MINUTES  
SPECIAL MEETING  
MARCH 22, 2016 – 5:30 PM**

**PRESENT:** Chairman Brad Fooker, Members: Gary Bolton, Scott Brown, and Skip Sawyer, and Planning Director Troy Anderson

**ABSENT:** Member Phil Bang

1. Call to Order. Planning Director Anderson called the meeting to order at 5:30 p.m.
2. Roll Call. A roll call showed four (4) members present (Member Brown joined the meeting shortly after roll call) and one (1) absent with one (1) seat unassigned – a quorum was established.
3. Informational and Educational Work-Session.  
Thomas C. Huston, attorney for Cline Williams Wright Johnson & Oldfather, L.L.P., gave a presentation on the various roles and responsibilities associated with City Council, Planning Commission, and Board of Adjustment. Huston began by detailing the legislative and administrative functions of City Council. He then elaborated on the recommendatory and approval authority of the Planning Commission. He then identified the three (3) powers of the Board of Adjustment and the five (5) findings necessary to grant a variance. Lastly, Huston expounded on fair hearings including procedural due process, impartial decision making, conflicts of interest, bias, ex parte communication, and findings of fact.
4. Adjournment. Hearing no further business, Chairman Fooker entertained a motion to adjourn. Member Bolton moved to adjourn, Member Sawyer seconded the motion, and all members present voted aye. The meeting was adjourned at approximately 6:50 p.m.

APPROVED:

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Brad Fooker, Chairman

ATTEST:

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Troy Anderson, Planning Director

# Staff Report

**TO:** Board of Adjustment  
**FROM:** Troy Anderson, Director of Planning  
**DATE:** April 25, 2016  
**SUBJECT:** Variance Request – 538 W 16<sup>th</sup> St.

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**Background:** St. Timothy Lutheran Church, the owner of approximately 1.7 acres located at 538 W 16<sup>th</sup> St., is requesting approval of a variance increasing the allowable sign area for a civic use in a residential zoning district from 32 feet to an undisclosed value.

The subject property is located at the northwest corner of W 16<sup>th</sup> St. and N Nye Ave. and is currently zoned R-1 Single-Family Residential. Properties to the North, are listed as residential and real property and consist of a one-family dwelling and a former one-family dwelling converted into a museum (i.e. Louis May Museum), respectively. Properties to the East, opposite N Nye Ave., to the South, opposite W 16<sup>th</sup> St., and to the West, opposite N Colson Ave. are all listed as residential and consist of one-family dwellings.

The owner, and appellant, would like to “put a sign on the building to identify to visitors and out of town guests where the main entrance is located.” According to Table 10-3, Fremont Zoning Ordinance (FZO), and Note 2 in particular, civic uses in an R-1 Single-Family Residential zoning district is limited to 32 square feet. It’s our understanding that there currently exists a freestanding ground sign approximately 10 feet in width and approximately 3 feet in height for a total of approximately 30 square feet. Assuming those numbers are correct, an additional 2 square feet of signage is permitted. If for whatever reason, the existing freestanding ground sign equals or exceeds 32 square feet, then no additional signage is permitted.

In response to the appellant’s letter, attached hereto and incorporate herein, Staff has prepared the following:

- The appellant argues that the building was built for a different use and therefore additional signage identifying the main entrance is required; unfortunately, only the exceptional narrowness, shallowness, or shape of a specific piece of property, or by exceptional topographic conditions or other extraordinary and exceptional situation or condition of such property, may be used in consideration of a variance and not simply the use, or change thereof.

- The appellant argues that building signage would improve access associated with the “preferred access point” and have “minimal impact on the neighborhood;” unfortunately, granting of a variance must be based on demonstrable and exceptional hardship and not purposes of convenience, profit, or caprice.

Staff recommends disapproval because any hardship claimed by the applicant appears to be either self-inflicted or simply wanting to deviate from zoning regulations (case law relating to such requests are provided at the conclusion of Staff’s Report). Also, please be advised that a sign permit application has not been submitted for the improvements described herein.

### **Nebraska Revised Statutes relating to the Board of Adjustment and Variances**

Nebraska Revised Statutes (NRS) section 19-907 requires the local legislative body [enforcing zoning regulations] to provide for the appointment of a board of adjustment (Board) – any action of which shall not exceed the powers granted to it by the State. NRS section 19-910, and similarly FZO § 129.c., details the powers of the Board as follows:

(1) The board of adjustment shall, subject to such appropriate conditions and safeguards as may be established by the legislative body, have only the following powers: (a) To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures, except that the authority to hear and decide appeals shall not apply to decisions made under subsection (3) of section 19-929; (b) to hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map; and (c) when by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this section and sections 19-901, 19-903 to 19-904.01, and 19-908 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution.

(2) No such variance shall be authorized by the board unless it finds that: (a) The strict application of the zoning regulation would produce undue hardship; (b) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; (c) the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and (d) the granting of such variance is based upon reason of



**demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice. No variance shall be authorized unless the board finds**

that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

(3) In exercising the powers granted in this section, the board may, in conformity with sections 19-901 to 19-915, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation. **[emphasis added]**

Subsection 1209.c.2., FZO, continues to read, “The Board of Adjustment shall make findings that the requirements of Section 1209.c.1. have been met by the applicant for a variance.” And, subsection 1209.c.3, FZO, “Conditions for Grant of Variance. (a) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations and punishable under Section 1214 of these regulations. (b) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of these regulations in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in said district. (c) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.”

### **Case Law**

In the case of *Frank v. Russell*, the Scottsbluff, Nebraska, Board of Adjustment granted a variance, reducing the building setback from forty (40) feet to twenty-seven (27) feet, to allow for the construction of a residential building. The neighbors appealed the decision to District Court. The District Judge upheld the decision of the Board of Adjustment. The decision was then appealed to the Nebraska Supreme Court. The state supreme court reversed the decision of the lower court, finding the decision “unreasonable and arbitrary” and that the variance was “destructive ... of the spirit of the ordinance.” The court focused specifically on the fact that the owners created their own hardship with knowledge of what the ordinances prohibited – specifically, “It would certainly be unreasonable to allow one to create his own hardship and

difficulty and take advantage of it to the prejudice of innocent parties.” The courts also provided the following:

It appears that the rule respecting the right of a board of adjustment, such as the one here, to grant a variance from zoning regulations on the ground of unnecessary hardship is generally that it may not be granted: Unless the denial would constitute an unnecessary and unjust invasion of the right of property; if the grant relates to a condition or situation special and peculiar to the applicant; if it relates only to a financial situation or hardship to the applicant; if the hardship is based on a condition created by the applicant; if the hardship was intentionally created by the owner; if the variation would be in derogation of the spirit, intent, purpose, or general plan of the zoning ordinance; if the variation would affect adversely or injure or result in injustice to others; or ordinarily if the applicant purchased his premises after enactment of the ordinance. [emphasis added]

In the case of *Alumni Control Board v. City of Lincoln*, a fraternity requested a variance that would allow it to construct a larger building than was allowed by the city zoning code and that would allow it to vary off-street parking requirements. The requested variance was denied by the zoning board of appeals, and the district court. The Nebraska Supreme Court affirmed the denial pointing out that the requirements imposed by the code were reasonable, and that granting the variances would “be in derogation of the spirit and intent and general plan of the zoning ordinance.” Ultimately, the court concluded that the “mere fact that the plaintiff would like to have a fraternity house of larger dimensions does not establish practical difficulty in complying with the ordinance.”

In the case of *Bowman, v. City of York*, a company applied for a variance that would allow it to build the rear wall of a warehouse within one foot of the property line that divided its property from the residential property of the Bowmans, whereas the zoning code required a fifteen foot setback. The board of adjustment granted the variance and the Bowmans appealed. In this case the District Court reversed the granting of the variance and the decision was appealed to the Nebraska Supreme Court. The Supreme Court found that the application of the code would not produce undue hardship. The court also held that the company’s sole stated hardship, wanting to increase profits, did not constitute sufficient hardship to justify granting a variance, stating that “it does not provide a basis for riding roughshod over the rights of others by obtaining a variance from zoning regulations with which the rest of the community must live.”

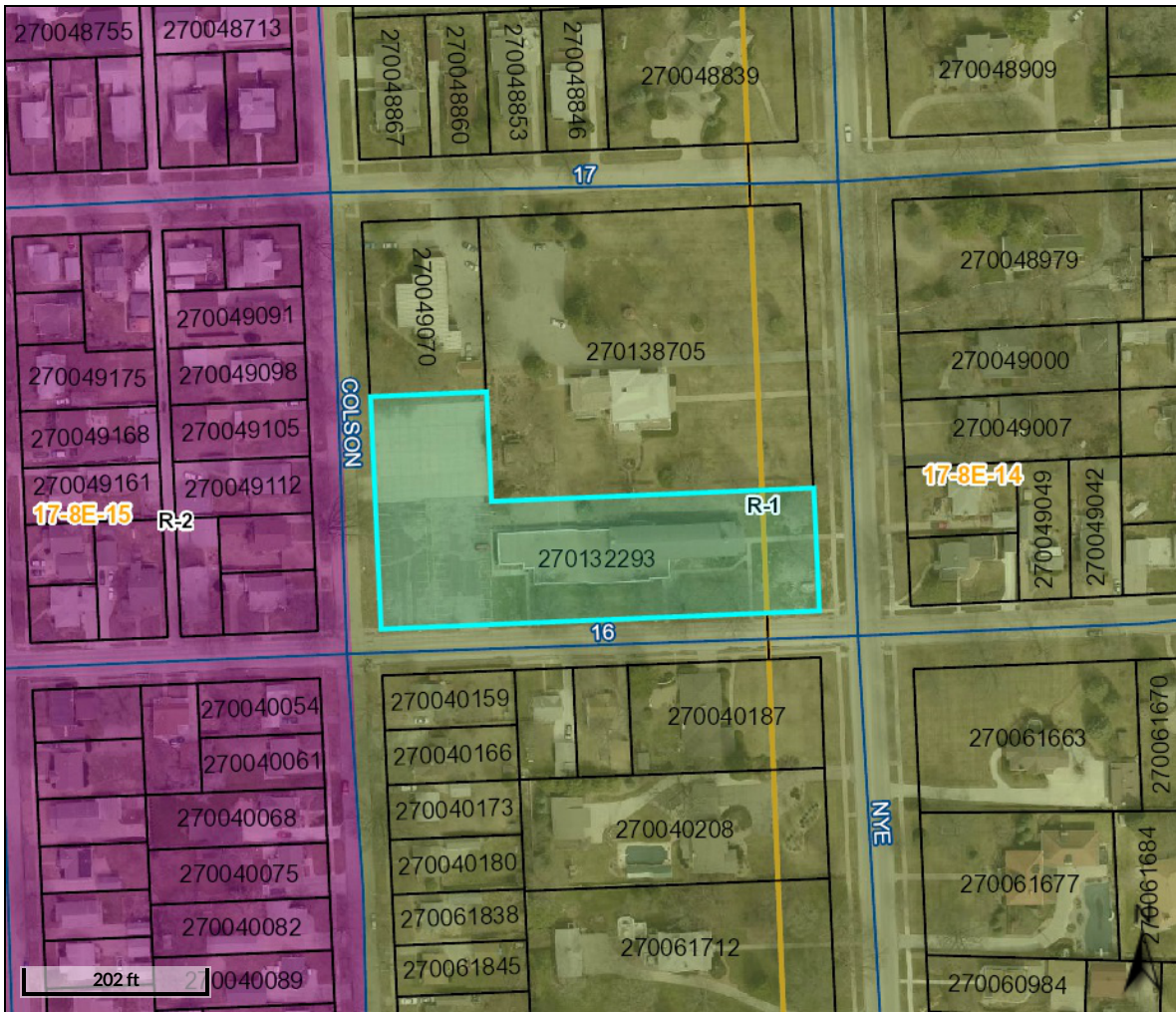
In summary, the Nebraska Supreme Court, as demonstrated herein, has established significant guidance to Boards considering variance requests. First, there is not sufficient hardship when the party seeking the variance created their own hardship, secondly, simply wanting to deviate from zoning regulations does not alone constitute sufficient hardship, and finally, wanting to increase profits does not alone constitute sufficient hardship.

**Fiscal Impact:** N/A



**Beacon**<sup>TM</sup>

Dodge County, NE



## Overview



## Legend

### Highways

<all other values>

I

LS

N

R

US

Parcels

Sections

Airport

Streets

### Zoning

<all other values>

AG

CC

CC/PD

DC

GC

GI

LI

MU

MU / TND

R-1

R-2

R-2/NC

R-3

R-4

R-5

RR

UC

UC/SC

UNKNOWN

<b>Parcel ID</b>	270132293	<b>Alternate ID</b>	2391-15-1-91788-011-0000	<b>Owner Address</b>	ST TIMOTHY EVANGELICAL LUTHERAN CHURCH
<b>Sec/Twp/Rng</b>	15-17-8	<b>Class</b>	RP - REAL PROPERTY		Attn: PASTOR JOHN PLOWMAN
<b>Property Address</b>	538 W 16TH	<b>Acreage</b>	n/a		538 W 16TH
	FREMONT				FREMONT, NE 68025
<b>District</b>	1 - FREMONT CITY				
<b>Brief Tax Description</b>	NYE HAWTHORNE PT BLK 11				

## APPEAL/EXCEPTION/VARIANCE APPLICATION

Application Type
<input type="checkbox"/> Administrative Appeal
<input type="checkbox"/> Special Exception (including interpretation of any map)
<input checked="" type="checkbox"/> Variance

**APPLICANT** (all correspondence will be directed to the applicant)

Name St Timothy Lutheran Church Phone 402-721-3643  
Address 538 W. 16th St. Fax \_\_\_\_\_  
City Fremont State Ne. Zip 68025  
Email \*Alan Wiese - 402-721-2994

**PROPERTY OWNER** (if not the same as applicant above)

Name Same Phone \_\_\_\_\_  
Address \_\_\_\_\_ Fax \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Email \_\_\_\_\_

**ENGINEER, SURVEYOR, OR ARCHITECT** (if not the same as applicant above)

Name Same Phone \_\_\_\_\_  
Address \_\_\_\_\_ Fax \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Email \_\_\_\_\_

**AGENT** (if not the same as applicant above)

Name Steve Ruda - Council President Phone 402-721-5466  
Address 2499 N CR 18 Fax 402-721-6877  
City AMES NE State NE Zip 68621  
Email debruda@gmail.com

(application continued on next page)

## APPEAL/EXCEPTION/VARIANCE APPLICATION

### PROPERTY INFORMATION

Address of Property 538 W. 16th St. Fremont, NE.  
General Location (if no address is available) \_\_\_\_\_

Brief Legal Description of Property Part of Block 11 of Nye Hawthorne Addition and part of Midland College Subdivision, also part of said Block 11

Description of Request (the following does not satisfy the "statement" requirement as described herein; a separate "statement" is required to be considered complete) To put a sign on the building to identify to visitors and out of town guests where the main entrance is located. Also to identify people traveling from the west on 16th street to what the building actually is and where the main entrance is.

An application may be filed only by the owner(s) of the property, or duly authorized officer or agent of the owner(s). By executing this application, he/she does hereby acknowledge the above statements to be true and accurate to the best of their knowledge, and understand that knowing and willful falsification of information will result in rejection of the application and may be subject to criminal prosecution.

I have received, read and understand the terms and conditions of this request, and agree to compliance with all applicable codes and ordinances of the City.

Steve Rude Steve Rude 3-16-16  
Signature Print Name Date

### Office Use Only

Submittal Date 3-17-16 Project No. \_\_\_\_\_  
Payment Amount \$100 Receipt No. \_\_\_\_\_  
Other Comments \_\_\_\_\_



**St. Timothy Lutheran Church**  
**Evangelical Lutheran Church in America**  
God's work. Our hands.

Grow • Share • Serve



March 16, 2016

City of Fremont  
400 E. Military Avenue  
Fremont, NE 68025

Re: Sign variance

St. Timothy Lutheran Church requests a variance to affix letters to the building adjacent to the most used entrance. These letters would augment the sign on Nye Avenue and 16<sup>th</sup> Street.

Reasons for requesting this variance stem from the fact that the building which houses St. Timothy Lutheran Church was built for a different use and has been adapted throughout the years to serve its current function. In 1919, Midland College relocated to Fremont, including was a Seminary (Western). The Seminary purchased the Ray Nye home, currently the May Museum. Over the years Western became Central Seminary and a multi-purpose building was constructed in 1950. At that time the most used entrance was 538 West 16<sup>th</sup> Street. In 1967 Central Seminary merged to form the Lutheran School of Theology at Chicago and the multi-purpose building was repurposed at St. Timothy Lutheran Church in 1969.

As the building has undergone adaptations the entrance at 538 West 16<sup>th</sup> Street, the mailing address, is seldom used. Also seldom used is the Nye Street entrance. A North entrance toward the May Museum has been sealed. This leaves the West entrance as the primary access point.

In addition, parking on 16<sup>th</sup> Street is limited to the South side and few people park on Nye Avenue. The most used access to St. Timothy is the West entrance adjacent to the parking lot off 16<sup>th</sup> Street and Colson. From the corner of Nye and 16<sup>th</sup> the West entrance is not visible due to the shape of the building.

Currently nothing indicates that the West entrance is the preferred access point.

Raised letters attached to the building with incidental lighting during evening hours would improve access. The lettering would be visible from 16<sup>th</sup> Street, likely from three houses on the South side of the street and from the intersection of Colson and 16<sup>th</sup> Street.

The letters would have a minimal impact on the neighborhood while identifying the most used and preferred entrance.

Sincerely yours,



Rev. Russell A. McDowell